



PATENT  
Attorney Docket No.: LEXA-00206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 2182
Petro Estakhri et al.	)	Examiner:
Serial No.: 10/647,084	)	<b>Petition To Make Special Because of Actual</b>
Filed: August 21, 2003	)	<b>Infringement (37 C.F.R. § 1.102 and</b>
	)	<b>M.P.E.P. § 708.02)</b>
For: <b>FLASH MEMORY CARD WITH</b>	)	162 N. Wolfe Road
<b>ENHANCED OPERATING MODE</b>	)	Sunnyvale, CA 94086
<b>DETECTION AND USER-</b>	)	(408) 530-9700
<b>FRIENDLY INTERFACING</b>	)	
<b>SYSTEM</b>	)	Customer No. 28960

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants hereby petition to make the above-titled application special because of actual infringement.

**1. Accompanying Materials**

Accompanying this petition are:

- (a) a Statement of Facts in Support of Petition to Make Special Because of Actual Infringement;
- (b) a Statement in Support of Petition to Make Special Because of Actual Infringement; and
- (c) an Information Disclosure Statement, listing the references deemed most closely related to the subject matter encompassed by the claims in the above-titled application. A copy of each of the references is included.

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Page 1 of 2

**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 4-13-04

By: John D. Laxton

2. **Fee under 37 C.F.R. § 1.17(h)**

Enclosed is a check for \$130.00, required under 37 C.F.R. § 1.17(h). The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 08-1275. **An originally executed duplicate of this petition is enclosed for this purpose.**

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 4-13-04

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

Attorney for Applicants



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LEXA-00206

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Petro Estakhri et al.	) Examiner:
Serial No.: 10/647,084	) Statement of Facts in Support of Petition
Filed: August 21, 2003	) To Make Special Because of Actual
For: <b>FLASH MEMORY CARD WITH</b>	) <b>Infringement</b>
<b>ENHANCED OPERATING MODE</b>	) <b>(M.P.E.P. § 708.02)</b>
<b>DETECTION AND USER-</b>	) 162 N. Wolfe Road
<b>FRIENDLY INTERFACING</b>	) Sunnyvale, CA 94086
<b>SYSTEM</b>	) (408) 530-9700
	) Customer No. 28960

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Petro Estakhri, reside at 14525 Shawdowlane Court, Morgan Hill, California 95037, and am a co-inventor of the subject matter claimed in the above-titled application. I state the following:

1. The Applicants have filed a patent application, U.S. Patent Application Serial No. 10/647,084 entitled "FLASH MEMORY CARD WITH ENHANCED OPERATING MODE DETECTION AND USER-FRIENDLY INTERFACING SYSTEM." One illustrative claim in the application recites a flash memory card interfacing system for detachably coupling to a host computer system, the flash memory card interfacing system also configured for performing data storage and control operations, wherein the flash memory card interfacing system comprises a device for connecting a flash memory card to a USB port. The application also contains both broader and narrower claims.
2. Numerous infringing articles put on the market by multiple companies are currently advertised and available for purchase. The infringing articles are a flash memory card interfacing system for detachably coupling to a host computer system, the flash memory card interfacing system also configured for performing data storage and control operations, wherein the flash memory card interfacing system comprises a device for connecting a flash memory card to a USB port. The infringing articles have been

Page 1 of 2

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HAVERSTOCK & OWENS LLP.

Date: 4-13-04 By: John D. Ransom

PATENT  
Attorney Docket No.: LEXA-00206

purchased, and an examination indicates that the infringing articles are a flash memory card interfacing system for detachably coupling to a host computer system comprising a device for connecting a flash memory card to a USB port.

3. The Applicants respectfully submit this Petition so that the above entitled application may be examined on an expedited basis and so that the Applicants may seek legal and equitable remedies against the articles, products, devices or methods of use currently on the market which infringe the invention sought to be patented.

I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent that issues from it.

Dated: 4/9/2004By: 

Petro Estakhri  
Co-Inventor



PATENT  
Attorney Docket No.: LEXA-00206

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	)	<b>Special Because of Actual Infringement</b>
	)	<b>(M.P.E.P. § 708.02)</b>
For: <b>FLASH MEMORY CARD WITH</b>	)	
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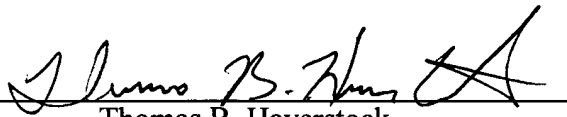
Sir:

The undersigned is the Applicants' attorney, who states:

1. Numerous competing companies which provide portable storage have profited from the sale of flash memory cards as consumer purchasing of electronic devices utilizing flash memory (such as digital cameras and cell phones, for example) has increased dramatically.
2. The flash memory market accounts for billions of dollars a year in revenue, and has shown no sign of fading. In fact, with higher quality images and streaming video technologies being developed, the growth for flash memory cards is expected to continue.
3. The worldwide flash memory card market generated \$1.7 billion in revenue in 2002, and it is estimated that this total increased by more than 100 percent in 2003.
4. Products, marketed and sold by numerous companies infringe claims in the above-titled application.
5. A rigid comparison has been made between the alleged infringing product and claims in the above-titled application. In my opinion, some claims of the above-titled application are unquestionably infringed by the allegedly infringing product.
6. I have caused to be made a careful and thorough search of the prior art.

7. Without patent protection, the applicant does not have the right to exclude competitors from making, using, or selling the current invention. Thus, potential infringers and competitors may make, use, or sell the applicant's current invention and gain an unfair business advantage with the applicant having no means for redress.

All such material art is being provided to the Examiner in an attached Information Disclosure Statement, which cites references deemed most closely related to the subject matter encompassed by the claims of the above-titled application. Included with the Information Disclosure Statement is one copy of each cited reference. By citing these references, the Applicants do not represent that additional information material to the examination does not exist or that any one or more of these references constitute prior art.

Dated: 4-13-04 By:   
Thomas B. Haverstock  
Reg. No.: 32,571

Attorney for Applicants

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